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In re Application of
CURRID

Application No.: 10/089,587

PCT No.: PCT/GB97/03351

Int. Filing Date: 04 December 1997

Priority Date: 04 December 1996

Attorney Docket No.: 232.7548USU

For: NON-RETURN DEVICE

DECISION ON RENEWED

PETITION UNDER

37 CFR 1.137(b)

This decision is in response to applicant's "Second Renewed Petition Under 37 CFR 1.137(b)" filed 01 October 2003 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 05 June 2003, applicant was mailed a decision dismissing applicant's renewed petition under 37 CFR 1.137(b). Applicant was afforded two months to file any request for reconsideration.

On 01 October 2003, applicant filed the present renewed petition under 37 CFR 1.137(b) accompanied by a request for a two-month extension of time and payment of the appropriate extension of time fee. With the filing of the request for a two-month extension of time and payment of the extension fee, applicant's second renewed petition is considered timely filed.

DISCUSSION

As detailed in the decision mailed 05 June 2003, a petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required). Applicant previously satisfied items (1), (2) and (4).

Applicant's renewed petition was dismissed because applicant did not provide any further evidence to show that the decision made by Mr. Doughty not to file in the national stage in the United States was anything other than a deliberate action on behalf of the corporation. Applicant has presently submitted additional declarations from William Doughty and Stephen Currid which show that the failure to file a timely National Stage application in the United States was a result of confusion between Messrs. Doughty and Currid as to the phrase "previously agreed" countries. As such, it is proper to grant applicant's second renewed petition at this time.

CONCLUSION

For the reasons stated above, the second renewed petition for revival is **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an executed oath or declaration of the inventor and payment of the surcharge for providing an executed oath or declaration of the inventor later than thirty months from the priority date are required.



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